

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Antoine Anderson

TIRC Claim No. 2011.065-A
(Relates to Cook County Circuit Court
Cases *People v. Antoine Anderson*
99-CR-147; 99-CR-148)

I. CASE DISPOSITION

Pursuant to Section 40/45(c) of the Illinois Torture Inquiry and Relief Act ("TIRC Act," 775 ILCS 40/1 *et seq.*) and 2 Ill. Adm. Code 3500.385(b), the Commission concludes that there is insufficient credible evidence of torture to merit judicial review of Antoine Anderson's claims of torture.

II. EXECUTIVE SUMMARY

On November 6, 1998, an assailant shot and killed Harry Hudson with a rifle as Mr. Hudson walked across a vacant lot on the south side of Chicago. One week later, on November 13, 1996, an assailant shot Leroy Causey as he sat in the driver's seat of his car one block away from where Mr. Hudson was killed. Later in the evening of November 13, police arrested Antoine Anderson as a suspect in the murder of Mr. Causey. In the early morning hours of November 14, Mr. Anderson told Chicago Police Detectives James O'Brien and John Halloran (the "detectives") that he had shot and killed both men. On November 15, just after midnight, Mr. Anderson signed two separate written statements in which he confessed to the murders of Mr. Hudson and Mr. Causey. He was charged with first degree murder in the Hudson case in 99-CR-147, and with first degree murder in the Causey case in 99-CR-148. Lamontreal Glinsey was his co-defendant in both cases. Mr. Anderson was convicted of both murders in two different trials, and is serving a sentence of life imprisonment without the possibility of parole.

On July 7, 2011, Mr. Anderson filed a TIRC Claim alleging that he confessed to the two murders after being beaten by the detectives on November 13, 1998.¹ Specifically, Mr. Anderson claims that during his interrogation he was handcuffed to a ring on the wall in the interrogation room, that the detectives punched him in the back of his head, his chest, and also hit him in the lip, and that O'Brien drew a gun "at" him; showing him the gun and claiming that it was the gun that Mr. Anderson used to kill Leroy Causey.²

¹ See TIRC Claim Form of Antoine Anderson, attached hereto as Exhibit 1. The Claim Form also includes an allegation that the witnesses who testified against him were also coerced but because those allegations do not relate to Mr. Anderson himself, they are outside TIRC's jurisdiction (*see* 775 ILCS 40/5(1)).

² *Id.*

FILED
FEB 25 2019
DOROTHY BROWN
CLERK OF CIRCUIT COURT

Mr. Anderson alleges that the physical abuse began when he denied involvement in the shooting of Leroy Causey, which occurred the same day that Mr. Anderson was arrested, and that he believed that the beatings would continue unless he confessed to the shooting of Mr. Causey. Though he did not make these allegations on his TIRC Claim Form, during his legal proceedings in the late 1990's and early 2000's, he also alleged that the detectives threatened to take his children away, and to put his girlfriend in jail if he did not confess.³

Factors supporting Mr. Anderson's allegation of physical abuse include his later assertion that he told his first defense attorney (who passed away and was replaced with new counsel) and his grandmother that police had beaten him shortly after the beating allegedly occurred. Also, nine months after confessing, Mr. Anderson filed a motion to suppress his inculpatory statements on account of police threats that they would not let his girlfriend go home, and that they would take Mr. Anderson's children away from him and his girlfriend, unless he confessed. He also asserted in the motion that "detectives struck Mr. Anderson by punching him in the chest, stomach, head and face a number of times." Finally, a number of complaints alleging abuse have been filed against the detectives accused of beating Mr. Anderson, and it is well-documented that the conduct alleged by Mr. Anderson was commonplace at the time detectives interrogated him.

Factors weighing against Mr. Anderson's claim include not only the absence of physical evidence of abuse, but physical evidence (e.g., his shirt) disproving his story of being beaten to the point of bleeding onto his shirt. Mr. Anderson testified at his suppression hearing that his shirt had a blood stain on it as a result of the beatings, but within days of the hearing, the Court, accompanied by Mr. Anderson's counsel and the prosecution, personally examined the shirt and found no blood stains, a fact to which Mr. Anderson's lawyer stipulated on the record. The statement of Assistant State's Attorney (ASA) Laura Forester who interviewed Mr. Anderson after the alleged beatings also reinforces the physical evidence disproving his story of being beaten. ASA Forester testified that she did not notice any signs of physical abuse. ASA Forester asked Mr. Anderson whether or not he had been mistreated by the police and he indicated that he had been treated well. Immediately after he signed his written statement in her presence, she took a photograph of him that showed no visible injuries. Following his interrogation, Mr. Anderson did not inform any of the jail or medical intake staff of the beating, and the staff testified that they examined him, that they asked him whether he had experienced any pain or injuries, and that they found no such evidence and documented that fact.

Additional factors weighing against Mr. Anderson's claim include false and inconsistent statements he had made throughout this case. Mr. Anderson lied during the Hudson trial about his gang affiliation, and he acknowledged this lie during his testimony in the Causey trial. Mr. Anderson also stated in his interview with TIRC investigators that he confessed to the shooting of

³ Exhibit 2, Motion to Suppress Statement dated August 20, 1999 at ¶ 6; TIRC Compiled Record of Proceedings (ROP) at 15 (transcript of suppression hearing). Mr. Anderson also made these claims in cross examination by the State, not only in his own direct testimony, in his testimony during the two different murder trials.

Harry Hudson without being beaten or asked to confess to that crime. He stated that he was beaten regarding the homicide of Leroy Causey, but then also confronted by the detectives about the Harry Hudson homicide after he had agreed to confess to the homicide of Leroy Causey. However, in his Motion to Suppress Statements, Mr. Anderson alleged that he was beaten after denying having committed both murders. During the suppression hearing, the judge found that the testimony of the detectives was credible, and that Mr. Anderson's testimony was not credible. Additionally witnesses Casanova Johnson and Iesha Bridewell (Mr. Anderson's girlfriend with whom he had two children) corroborated the details of his confession, including his commission of the murders and Mr. Anderson's gang-related motive for committing them.⁴

III. FINDINGS OF FACT

This section presents the facts and circumstances concerning Mr. Anderson's offenses and subsequent investigation, his confession, his trials, and subsequent appeals.

A. Procedural Overview of the Case

Police arrested Mr. Anderson on November 13, 1998, at approximately 11:00 p.m. in connection with the fatal shooting of Leroy Causey, which occurred at approximately 10:00 p.m. that same evening. While in custody, Mr. Anderson also was investigated for the murder of Harry Hudson which had occurred one week earlier one block away from the Causey murder. Mr. Anderson was interrogated during the early morning hours of November 14, and verbally confessed to the detectives during that time. Shortly after midnight on November 15 he confessed in writing to both murders to the police and ASA Forester. The written statements were prepared by ASA Forester, and signed by her, Detective O'Brien, and Mr. Anderson.⁵

On December 24, 1998 a Cook County Grand Jury returned two indictments charging Mr. Anderson and co-defendant Lamontreal Glinsey with the murders of Harry Hudson (case 99-CR-147) and Leroy Causey (99-CR-148). Mr. Anderson initially was represented by Cook County Assistant Public Defender Judy Stewart who passed away in the early days of the case, and later was represented by Assistant Public Defender Bernard Sarley. On August 20, 1999, Mr. Sarley filed a motion to suppress statements in both cases. Following a suppression hearing conducted on October 18, 1999, the motion was denied. Trial in case 99-CR-147 began on October 25, 2000, and concluded on October 31, 2000, with a verdict of guilty. Trial in case 99-CR-148 began on November 26, 2001, and concluded on December 3, 2001, with a verdict of guilty. Mr. Anderson was sentenced to fifty years' imprisonment in case number 99-CR-147 and later sentenced to life imprisonment in case number 99-CR-148. Mr. Anderson filed a motion for a new trial in both

⁴ Mr. Anderson testified that their entire testimony was false and that these witnesses were lying under oath. See *The People of the State of Illinois v. Antoine Anderson*, No. 99-00147, (Circuit Court of Cook County, Criminal Division, Oct. 30, 2000) ROP at p. F26.

⁵ See Exhibit 3, Anderson Statement in Hudson Shooting, Nov. 15, 1998; Exhibit 4, Anderson Statement in Causey Shooting, Nov. 15, 1998.

cases, and in both cases the motions were denied. Mr. Anderson then filed a notice of appeal on December 20, 2000, for the 147 proceeding and on March 8, 2002, for the 148 proceeding. On October 25, 2003, the Illinois first Judicial District, Sixth Division affirmed the lower court decisions. On March 3, 2005, Mr. Anderson filed a pro se post-conviction petition, which was denied on March 18, 2005.⁶

B. Motion to Suppress Statements and Hearing on the Motion

On August 20, 1999, Mr. Anderson's attorney filed a motion to suppress the statements that Mr. Anderson made to the detectives and ASA Forester on November 14 and 15, 1998, on the grounds that the statements were not made voluntarily in that they were made in response to verbal threats and physical violence. Specifically, the motion alleged that the detectives told Mr. Anderson that "if they just told them how he did it" they would let his girlfriend go home from the police station and that they would not take his children away from him and his girlfriend.⁷ The motion also alleged that the detectives "struck Mr. Anderson by punching him in the chest, stomach, head and face a number of times."⁸ According to the motion, Mr. Anderson believed at the time that the detectives who beat him were Detectives O'Brien and Valadez.⁹ The Court held a hearing on the motion on October 18, 1999.¹⁰ The parties stipulated that Mr. Anderson would testify that he was read his *Miranda* rights and that he waived his rights.¹¹

Testimony of Detective O'Brien

Detective O'Brien testified that he was made aware that Mr. Anderson was in custody regarding the investigation of both homicides.¹² When O'Brien entered the room, Mr. Anderson was not handcuffed and O'Brien informed him that he was being investigated regarding both the Hudson homicide and the Causey homicide.¹³ The first interview took place with Detective Halloran present.¹⁴ O'Brien then read Mr. Anderson his *Miranda* rights.¹⁵ Mr. Anderson was first interrogated about the Causey homicide, and Mr. Anderson denied involvement and supplied the names of alibi witnesses.¹⁶ During the initial interview, O'Brien also interrogated Mr. Anderson regarding the Hudson homicide and Mr. Anderson also denied involvement in that incident.¹⁷ The entire initial interview lasted about fifteen to twenty minutes. O'Brien left the room and returned

⁶ See Timeline, provided as Exhibit 5.

⁷ Exhibit 2, Motion to Suppress Statements at ¶ 6.

⁸ *Id.* ¶ 7.

⁹ *Id.* at ¶ 6.

¹⁰ See TIRC Compiled ROP at 15 (transcript of suppression hearing).

¹¹ *Id.* at pp. A10-11.

¹² *Id.* at p. A6.

¹³ *Id.* at p. A7.

¹⁴ *Id.* at p. 26.

¹⁵ *Id.* at p. A7-8.

¹⁶ *Id.* at p. A9.

¹⁷ *Id.*

at about 4:00 a.m. with Detective John Murray. O'Brien testified that Mr. Anderson was still not handcuffed at this time.¹⁸ O'Brien again read Mr. Anderson his *Miranda* rights. It was at this time that Mr. Anderson implicated himself in the Hudson homicide.¹⁹ However, Mr. Anderson continued to deny any involvement in the Causey homicide.²⁰ After about 45 minutes to an hour, O'Brien and Murray left the room and interviewed the alibi witnesses identified by Mr. Anderson.²¹ Hours later, O'Brien and Murray returned. Mr. Anderson was still not handcuffed at the time.²² Mr. Anderson was informed that his alibi witnesses had been interviewed. It was at this time that Mr. Anderson implicated himself in the Causey homicide.²³ This interview also lasted about 45 minutes to an hour.²⁴

Detective O'Brien then contacted the State's Attorney's Felony Review Unit and ASA Laura Forester came to Area One to interview Mr. Anderson. At about 7:00 p.m. on November 14, 1998 O'Brien once again entered the room with Mr. Anderson, this time with ASA Forester.²⁵ Mr. Anderson was again read his *Miranda* rights, and then implicated himself in both homicides.²⁶ ASA Forester memorialized his statement in writing, but it was not until approximately 12:00 a.m. that she memorialized Mr. Anderson's statement regarding the Hudson homicide.²⁷ O'Brien then read from Mr. Anderson's handwritten statement which was taken by ASA Forester, which stated that Mr. Anderson was treated well while in police custody and that he was given food and permitted to use the bathroom.²⁸ According to the statement, Mr. Anderson was not threatened in any way.²⁹ O'Brien was also shown a photograph of Mr. Anderson, taken the same day as his confession and testified that it truly and accurately represented how Mr. Anderson looked at the time of the statement.³⁰ O'Brien denied ever threatening Mr. Anderson, or ever physically striking him.³¹ O'Brien also testified that nobody else struck or threatened Mr. Anderson.³²

On cross-examination, Detective O'Brien testified that after Mr. Anderson was confronted with information "in the second interview" he no longer denied participation in the Hudson

¹⁸ *Id.* at A10.

¹⁹ *Id.* at p. A11.

²⁰ *Id.* at p. A12.

²¹ *Id.* at p. A12-13.

²² *Id.* at p. A13.

²³ *Id.* at p. A14.

²⁴ *Id.*

²⁵ *Id.* at p. A15.

²⁶ *Id.* at p. A16.

²⁷ *Id.* at p. A18.

²⁸ *Id.* at p. A21.

²⁹ *Id.* at pp. A21-22.

³⁰ *Id.* at p. A22.

³¹ *Id.* at p. A22-24.

³² *Id.* at p. A23-24.

homicide.³³ According to O'Brien, Mr. Anderson was confronted with the statements of Casanova Johnson and Jessie Locket, each of whom implicated Mr. Anderson as the perpetrator of the homicide.³⁴ O'Brien also testified that Iesha Bridewell was present at the police station in another interview room between the first and the second interview.³⁵ Additionally, O'Brien testified to personally interviewing Clemmie Bridewell regarding the Causey homicide.³⁶ It was not until the third interview that O'Brien confronted Mr. Anderson with information from Clemmie Bridewell regarding the Causey homicide, and at which time Mr. Anderson implicated himself in that murder.³⁷ O'Brien also testified, after refreshing his memory, that at this time he also confronted Mr. Anderson with the information that Casanova Johnson had also implicated Mr. Anderson in the Causey homicide, at which point Mr. Anderson implicated himself in that homicide as well.³⁸ O'Brien testified that he was present for all but about five minutes of Mr. Anderson's interview with ASA Forester, at which time he stepped out and left Mr. Anderson alone in the room with ASA Forester.

Testimony of Detective Halloran

Detective Halloran testified that O'Brien's testimony was accurate regarding the parts of his testimony that also involved Halloran. Halloran's testified that Mr. Anderson was questioned regarding both homicides during the first interview.³⁹ Halloran was present during Mr. Anderson's confession to ASA Forester regarding the Causey homicide, and read Mr. Anderson's confession, which stated that Mr. Anderson was treated well by the police, given food, and was permitted to use the restroom.⁴⁰ Halloran interviewed Iesha Bridewell who provided information regarding Mr. Anderson's involvement in both of the homicides. ASA Forester also interviewed Iesha Bridewell before Mr. Anderson gave his confession. Halloran testified that he never touched or threatened Mr. Anderson.⁴¹

Testimony of Antoine Anderson (October 18, 1999)

Mr. Anderson testified that he was arrested sometime around 11:00 p.m. and that he was handcuffed to the poles on a bench in the interrogation room.⁴² Despite the parties' stipulation that Mr. Anderson had been advised of and waived his *Miranda* rights, Mr. Anderson testified that he was never read his *Miranda* rights by the detectives or by ASA Forester. Detectives O'Brien and

³³ *Id.* at pp. A31-32.

³⁴ *Id.* at p. A33.

³⁵ *Id.* at p. A35.

³⁶ *Id.* at p. A37.

³⁷ *Id.* at p. A44.

³⁸ *Id.* at p. A45-A46.

³⁹ *Id.* at p. A63.

⁴⁰ *Id.* at p. A67-68.

⁴¹ *Id.* at p. A68-69.

⁴² *Id.* at p. A78-A79.

Halloran conducted the interviews, and informed him that eyewitnesses had identified him as the shooter in the Causey homicide.⁴³ Mr. Anderson specified that he was asked about both homicides during the second interview with O'Brien and Halloran.⁴⁴ The detectives left and came back a number of times, and on the fourth time O'Brien pulled out a gun and claimed that it was found in the grass near Leroy Causey's car.⁴⁵ Mr. Anderson stated shortly thereafter that the detectives told him it was given to them by Mr. Anderson's girlfriend Iesha Bridewell.⁴⁶ The detectives threatened to send Iesha Bridewell to jail and to "take away" Mr. Anderson's children if he did not confess. The threat of losing his children came during the second interview, prior to the beatings.⁴⁷ Mr. Anderson testified that after denying having any association with the gun, he was then struck by O'Brien on the side of his head, then in the chest, and then in the lip with an uppercut.⁴⁸ Halloran then hit him in the chest three times.⁴⁹ Mr. Anderson later testified that prior to the beatings, another officer entered the room alone and informed Mr. Anderson that Iesha Bridewell was implicating him in the homicides.⁵⁰ After then, O'Brien and Halloran came back to the room and, at this time, Mr. Anderson agreed to make a statement.⁵¹ This exchange between Mr. Anderson and his attorney on direct examination provides helpful context:

Q: Why did you agree to make a statement?

A: Because they was talking about taking my kids away from me, locking my girl up.

Q: Any other reason?

A: Yeah. I felt my life was in danger.

Q: Why?

A: Because they was threatening me.

Q: Did they do anything else to you beside threaten you?

A; They beat me up. That was it.

Q: Okay. Did you get any injury or have any injuries because of what they did?

⁴³ *Id.* at pp. A82-A83.

⁴⁴ *Id.* at p. A84.

⁴⁵ *Id.* at p. A87.

⁴⁶ *Id.*

⁴⁷ *Id.* at A91-92.

⁴⁸ *Id.* at p. A88-90.

⁴⁹ *Id.* at pp. A90-91.

⁵⁰ *Id.* at p. A94.

⁵¹ *Id.* at p. A95-96.

A: Yeah. I had injuries in my head because when I first came here I had braids in my head. I had to get that cut off because how they did me in my head, so I don't think I will took some more braids.

Q: What else, anything else, any other part of you injured?

A: Nope. Just my lip was swollen.

Q: Were you bleeding at all?

A: My lip was bleeding for a minute, but I stopped it. I got some tissue out the garbage can that was up in they locker room where they had me at.⁵²

On cross examination, Mr. Anderson testified that he was only interviewed by Detectives O'Brien and Halloran and that he was asked about both homicides during the first interview.⁵³ It was during this first interview that the detectives beat him.⁵⁴ When asked to clarify, Mr. Anderson testified that it was during the second interview that the detectives beat him.⁵⁵ Specifically, O'Brien showed him a gun during the second interview and put the gun in Mr. Anderson's face.⁵⁶ He was first struck in the chest, then balled up, then struck in the face with an "uppercut."⁵⁷ Mr. Anderson stated that the beatings lasted five minutes.⁵⁸ It was during the third interview that Mr. Anderson confessed to the homicides.⁵⁹ Mr. Anderson denied receiving a medical examination upon his arrival at the jail.⁶⁰ He also stated that he did not remember being photographed around the time of his confessions or arrival to the jail.⁶¹

Concerning his relationship with the children he had with Ms. Bridewell, Mr. Anderson testified that he was not married to Ms. Bridewell, the children did not live with him, they lived with Ms. Bridewell who took care of them day-to-day, that he did not have a job, and that he did not pay child support for the children.⁶² Mr. Anderson's attorney objected to this line of questioning but the Court overruled the objection and stated that the line of questioning "goes to the allegations of mental coercion caused by the allegations in Paragraph Six."⁶³

⁵² *Id.* at pp. A96-A97.

⁵³ *Id.* at pp. A101-102.

⁵⁴ *Id.* at p. A105.

⁵⁵ *Id.*

⁵⁶ *Id.* at p. A106.

⁵⁷ *Id.* at p. A107.

⁵⁸ *Id.* at p. A110.

⁵⁹ *Id.* at p. A111.

⁶⁰ *Id.* at pp. A115-116.

⁶¹ *Id.* at p. A117.

⁶² *Id.* at A99-A101.

⁶³ *Id.* at A100. Mr. Anderson's allegations in Paragraph Six of the Motion to Suppress Statements were that he was coerced by the detectives' threat to take his children away from him.

On redirect examination by his attorney (called “re-cross” in the transcript) Mr. Anderson was asked again about bleeding during the beatings. He testified that he stopped the bleeding from his lip with a tissue from the garbage can.⁶⁴ He had also previously testified that he had wiped blood on his shirt. When his attorney showed him a photograph of himself wearing the shirt, Mr. Anderson responded that the blood was not visible in the photograph because the blood was at the bottom of the shirt.⁶⁵ Two days after the suppression hearing, Mr. Anderson’s shirt was produced in the judge’s chambers in the presence of counsel for both parties and it was stipulated and agreed that the shirt did not have any blood stains anywhere on it, though his pants had some stains of some sort on them.⁶⁶

Stipulation to Testimony of Custodial Officers

The parties stipulated to the testimony of two officers with responsibilities relating to the custodial intake of Mr. Anderson. It was stipulated that Officer Artis would testify that he was working at the Chicago Police Department lockup at 2:00 a.m. on November 15, 1998, that he examined Mr. Anderson and did not note any physical injuries, and that Mr. Anderson reported no pain, and that the officer so indicated on an intake form.⁶⁷ It was also stipulated that an employee named Centeis would testify that he was working at Cermak Medical Services on November 15, 1998, and that Mr. Anderson had been sent there that day from the Cook County Jail.⁶⁸ Centeis would testify that he examined Mr. Anderson who did not report suffering from any physical injuries and that Centeis did not observe any injuries and so indicated on his paperwork.⁶⁹

The Court’s Ruling

The court noted that the only evidence presented in favor of Mr. Anderson’s motion was his own testimony.⁷⁰ The court found the testimony of the detectives to be credible.⁷¹ The court noted that it did not observe any injuries in the photographs that had been introduced into evidence, and found it significant that there was no blood on the shirt even though Mr. Anderson testified that the blood was there.⁷² The court also noted that the stipulated testimony of the two intake officers, neither of whom were involved in the police investigation and both of whom were specifically tasked with identifying and documenting claims of injury by arrestees, was credible and weighed against Mr. Anderson’s claims.⁷³ The court stated, “the Court does not believe that

⁶⁴ *Id.* at pp. A121-122.

⁶⁵ *Id.* at p. A123.

⁶⁶ TIRC Compiled ROP at 141-144 (transcript of suppression hearing, Oct. 22, 1999, at pp. B3-B6).

⁶⁷ *Id.* at p. B6.

⁶⁸ *Id.* at p. B6-B7.

⁶⁹ *Id.* at p. B7-B8. In fact, Anderson’s Medical Intake Form at the jail was filled out by Benny Ybarra, not someone named Centeis; see Exhibit 8. Ybarra testified at Anderson’s trial; see fn. 94, *infra*.

⁷⁰ *Id.* at p. B16.

⁷¹ *Id.* at p. B17.

⁷² *Id.* at p. B17-B18.

⁷³ *Id.* at p. B17.

the defendant had the injuries that he has testified to. ... There was absolutely nothing improper in this Court's opinion with regard to the interrogation of Mr. Anderson with regard to these homicides."⁷⁴ The court denied Mr. Anderson's motion to suppress statements.

C. Trial for the Murder of Harry Hudson

Testimony of Detective O'Brien

Detective O'Brien testified that he first interviewed Mr. Anderson at 3:00 a.m. on November 14, 1998 with Detective Halloran. O'Brien testified that he left and came back into the interrogation room around 4:00 a.m. with Detective Murray. O'Brien did not threaten Mr. Anderson with taking away his children nor did anyone else while O'Brien was present. No detectives struck Mr. Anderson. O'Brien also stated that he did not show Mr. Anderson a revolver, nor does he carry a revolver. Finally, O'Brien testified that he did not supply Mr. Anderson with any of the information that was found in Mr. Anderson's confession.⁷⁵

Testimony of Detective Halloran

Detective Halloran testified that neither he nor anyone else struck Mr. Anderson during the interrogation, and that nobody threatened to take Mr. Anderson's children away.⁷⁶

Testimony of Antoine Anderson (October 30, 2000)

On direct examination, Mr. Anderson testified that the information in his written statement was not true, and that he only signed it because Detectives O'Brien and Halloran beat him up, put a gun in his face, and threatened to take away his kids.⁷⁷ Regarding the specifics of being beaten by the detectives, Mr. Anderson testified that he was struck on the back of his head, in his chest, and in his lip, and this occurred during his second meeting with the detectives. He made a point of specifying that it was not during the third meeting, but the second meeting that he was beaten.⁷⁸ He also stated that both detectives beat him, but that it was O'Brien who put the gun "straight in [his] face."⁷⁹ O'Brien told Mr. Anderson that it was the murder weapon and that it had been provided to the police by Iesha Bridewell.

On cross examination, Mr. Anderson denied many core assertions that he had made in his statement, including that he was a member of the Gangster Disciples street gang, that the Gangster Disciples were "at war" with the Black Disciples street gang, and that he believed that a Black

⁷⁴ *Id.* at p. B18-19.

⁷⁵ TIRC Compiled ROP at 803-809 (transcript of the murder of Harry Hudson, Oct. 30, 2000, at p. F96-102).

⁷⁶ *Id.* at p. F91-96.

⁷⁷ *Id.* at p. F7.

⁷⁸ *Id.* at p. F28.

⁷⁹ *Id.* at p. F10.

Disciple named “Little Rascal” shot Mr. Anderson’s younger brother in the leg.⁸⁰ He testified that Detectives O’Brien and Halloran had supplied those facts for inclusion in the statement.⁸¹ Later, Mr. Anderson testified that he was the one who related each of those facts to ASA Forester for her to write in his statement.⁸²

Concerning his girlfriend Iesha Bridewell, and the two children they had together, Mr. Anderson testified that he began dating her when she was ten years old and he was twelve years old.⁸³ Around two years later they had their first child together and the following year they had their second child together.⁸⁴ He testified that he was not married to Iesha, that he did not live with her, and that he did not pay child support for the children.⁸⁵ He further testified that everything Iesha, Casanova Johnson, and another witness named Denise Brown had testified about during the State’ case in that trial were lies and that “not one thing they said on that stand is the truth.”⁸⁶

Mr. Anderson further testified on cross examination that after his first encounter with the detectives, they left and came back after 45 minutes, then left and came back again after 15 minutes, and then began to beat him.⁸⁷ The state’s attorney asked whether it was during the third meeting that Mr. Anderson was beaten. Mr. Anderson said no, that it was during the second meeting that he was beaten.⁸⁸ Mr. Anderson testified that it was after he drew the weapon that O’Brien began to beat Mr. Anderson. According to the testimony on cross examination, it was at this time that Halloran hit Mr. Anderson, and that afterward they stopped they left the room. Mr. Anderson testified that after he decided to confess, he was taken to a State’s Attorney, and that he did not know what a State’s Attorney was at the time of his confession. Contrary to his testimony during the suppression hearing, Mr. Anderson testified that he was read his *Miranda* rights by the State’s Attorney.⁸⁹ The State’s Attorney was ASA Forester. The parties stipulated to the testimony of ASA Forester, but her stipulated testimony did not refer to the allegations of torture.⁹⁰ Mr. Anderson told her that he was treated well by the detectives, and he acknowledged that she took a photograph of him which was introduced as Exhibit 3C at trial.⁹¹ She took the photograph after

⁸⁰ *Id.* at F13-F15.

⁸¹ *Id.* at F23.

⁸² *Id.* at F41.

⁸³ *Id.* at F16.

⁸⁴ *Id.*

⁸⁵ *Id.* at F17.

⁸⁶ *Id.* at F26.

⁸⁷ *Id.* at F28.

⁸⁸ *Id.*

⁸⁹ *Id.* at F39.

⁹⁰ *Id.* at F61-F64

⁹¹ Exhibit 6, Photo of Mr. Anderson introduced as Exhibit 3C in case 99-CR-147, and separate Polaroid introduced in 99-CR-148.

the alleged beating had occurred, and he signed the photograph. He acknowledged that the photo showed him as he actually appeared after the alleged beating.⁹²

On cross examination Mr. Anderson testified that when he arrived at Cook County Jail he was in extreme pain as a result of the beating.⁹³ He did not remember being given a medical evaluation by anyone at the Chicago Police Department lockup and he repeatedly denied that he had been given a medical evaluation by Paramedic Ybarra at Cook County Jail when he arrived there.⁹⁴ Mr. Anderson was shown State's Exhibits 3c, 34, 35, and 36 which were photographs of him taken just after his confession by the State's Attorney, in the lockup and later at the jail.⁹⁵ He acknowledged that those photographs showed him as he appeared after the alleged beating.⁹⁶

Testimony Concerning Contemporaneous Medical Evaluations

Officer Antonio Ardis testified that at the time of Mr. Anderson's arrest, Mr. Ardis worked as the lockup keeper at the Chicago Police Department 2nd District at 51st and Wentworth.⁹⁷ His duties included visually observing prisoners arriving at the lockup for the presence of physical injuries, and if a prisoner had any sort of injury they would not be allowed into the lockup and instead were required to be taken to the hospital by ambulance. He observed Mr. Anderson when he arrived, at approximately 2:00 a.m on November 15, 1998. Officer Ardis asked Mr. Anderson whether he needed to go to the hospital for any reason and Mr. Anderson said no. Officer Ardis took photographs of Mr. Anderson and the photographs did not reveal any injuries, and Officer Ardis did not personally observe any injuries to Mr. Anderson, including to his lip. He also did not observe any blood on Mr. Anderson's shirt. Officer Ardis made a record that Mr. Anderson had no obvious injuries or pain. On cross examination, Officer Ardis testified that he did not examine Mr. Anderson until 2:00 A.M. on November 15, 1998, and that he did not poke or prod Mr. Anderson during the examination.⁹⁸

Benny Ybarra testified that he was a paramedic at Cermak Health Services which was located inside the Cook County Jail facility.⁹⁹ His duties included processing and interviewing new detainees who enter Cook County Jail during the evening, including asking them questions

⁹² TIRC Compiled ROP at F51-F52.

⁹³ *Id.* at F49.

⁹⁴ *Id.* at F49-F51. Note that during the trial the person identified as performing the medical evaluation at Cook County Jail (via Cermak Medical Services which also is located at 26th and California) was Benny Ybarra. At the suppression hearing it was stipulated that the person who performed the medical evaluation at the Jail was "Officer Centeis." We cannot reconcile these disparate facts but we know that paramedic Benny Ybarra did testify in person at the Hudson trial.

⁹⁵ Exhibit 7, Photos of Mr. Anderson introduced as Exhibits 34, 35, and 36 in case 99-CR-147 and Exhibit 39 in case 99-CR-148, which seems to be a color copy of Exhibit 34 of case 99-CR-147.

⁹⁶ TIRC Compiled ROP at F51-F52, F57.

⁹⁷ *Id.* at F65. The entirety of Officer Ardis's testimony is found at F65-F75.

⁹⁸ *Id.* at F74-75.

⁹⁹ *Id.* at F76. The entirety of Mr. Ybarra's testimony is found at F76-F91.

about their health and completing a medical intake form.¹⁰⁰ He was on duty on November 15, 1998, and he processed Mr. Anderson, including taking a photograph of him. He examined Mr. Anderson who had taken his shirt off, and did not observe any bruises, cuts, sores, or swelling and so indicated on the medical form. He asked Mr. Anderson the questions on the medical intake form, including whether Mr. Anderson had any head injuries, and Mr. Anderson said he had no such injuries. Mr. Anderson reviewed the completed medical intake form and signed it. On cross examination, Mr. Ybarra admitted that he did not remember seeing Mr. Anderson specifically, that he only prods or touches the detainee if it is warranted, and that he simply drew a line down the form instead of checking each box.¹⁰¹

D. Trial for the Murder of Leroy Causey

Testimony of Antoine Anderson (November 29, 2001)

Mr. Anderson testified during his trial for the murder of Leroy Causey.¹⁰² As he had done before, he testified that he confessed to the murder because he was beaten by Detectives O'Brien and Halloran.¹⁰³ On direct examination he did not also testify, as he had done before, that he confessed because of police threats to take away his children or because the police put a gun in his face.

On cross examination, Mr. Anderson acknowledged both that he was a member of the Gangster Disciples gang on the night of the murder, and also that on October 30, 2000, he had testified that he was not a member of that gang.¹⁰⁴ He testified that on the night of his arrest Detective O'Brien was a "big guy" who hit Mr. Anderson in the side and back of the head three times and once in the lip with closed fists.¹⁰⁵ The punches hurt, and made his lip bleed "a little bit."¹⁰⁶ Detective Halloran hit him in the chest three times with a closed fist, and Mr. Anderson decided to confess to a murder he did not commit based on O'Brien's four punches and Halloran's three punches.¹⁰⁷ O'Brien's punches did not result in any swelling or bumps on Mr. Anderson's head, but did leave "little knots [that] went down."¹⁰⁸ Halloran's punches did not leave any bruises on his chest.¹⁰⁹ Mr. Anderson did not yell or call for help during the beating.¹¹⁰ It was only in response to questions on cross examination that Mr. Anderson stated that the police had threatened

¹⁰⁰ Exhibit 8, Medical Intake Record, Nov. 15, 1998.

¹⁰¹ TIRC Compiled ROP at p. F75-95.

¹⁰² TIRC Compiled ROP at 1556 (transcript of the murder of Leroy Causey, November 29, 2001, at DD135).

¹⁰³ *Id.* at DD153.

¹⁰⁴ *Id.* at DD161-D164.

¹⁰⁵ *Id.* at DD165-D167.

¹⁰⁶ *Id.* at DD168.

¹⁰⁷ *Id.* at DD170.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at DD170-DD171.

¹¹⁰ *Id.* at DD177-D178.

to take away his children and had put a gun in his face—an act he attributed this time to Halloran and not to O'Brien as he had done in previous testimony.¹¹¹

Mr. Anderson testified on cross examination that he had an opportunity to speak with ASA Forester alone without detectives present.¹¹² He was not afraid of ASA Forester but yet he did not tell her that he had been beaten by police. He did not tell her that he was in pain or that he was bleeding, and she did not ask him about any injuries to his head or lip, but his lip was not swollen on the outside, only a little bit on the inside.¹¹³

When cross examined about his injuries, Mr. Anderson was shown the photograph that was taken after he gave his statement. He acknowledged that no injury to his lip was visible and said that was because the injury was on the inside of his lip.¹¹⁴ He acknowledged that he had not told the lockup keeper that he had knots or bumps on his head, that his head hurt, that he had been punched in the mouth, that he had been punched in the chest, threatened by detectives, or that he had a gun put in his face.¹¹⁵ He acknowledged that he had not told paramedic Ybarra that he had any head injuries, had not shown him his lip injury or knots on his head, and that he had the opportunity to do those things.¹¹⁶ On redirect examination, Mr. Anderson testified that he had told his previous attorney, Judy Stewart, about the beating and that he also had told his grandmother, Cecelia Anderson, although he did not say when he told her.¹¹⁷

E. The Appeal of the Guilty Verdict in the Homicide of Leroy Causey

After trial and conviction for the murder of Mr. Causey, Mr. Anderson filed a Notice of Appeal on March 8, 2002.¹¹⁸ On appeal, Mr. Anderson alleged that the cumulative effect of the state's allegedly improper comments during rebuttal closing argument denied him a fair trial. Specifically, the appeal took issue with the fact that the prosecutor commented on Mr. Anderson's failure to support his alibi with the testimony of his codefendant, and that there was no factual basis to support the prosecutor's implication that a witness's inconsistent testimony was predicated upon or influenced by their membership in a street gang.¹¹⁹ However, Mr. Anderson did not argue on appeal that his confession was coerced, and the appellate court affirmed his conviction on November 26, 2003.¹²⁰

¹¹¹ *Id.* at DD188-DD193.

¹¹² *Id.* at DD180.

¹¹³ *Id.* at DD180-DD182.

¹¹⁴ *Id.* at DD193.

¹¹⁵ *Id.* at DD204-DD205.

¹¹⁶ *Id.* at DD199-DD200.

¹¹⁷ *Id.* at DD208.

¹¹⁸ See Exhibit 5, Timeline.

¹¹⁹ See Appeal Order, 1, Nov. 26, 2003, provided as Exhibit 9.

¹²⁰ *Id.*

F. The Post-Conviction Petition from Judgment

After the Illinois Appellate Court affirmed his conviction, Mr. Anderson filed a *pro se* post-conviction petition from judgment, which was summarily denied by the court as frivolous and patently without merit.¹²¹ The post-conviction motion asserted that, *inter alia*, newly discovered evidence corroborated Mr. Anderson's claim that his confession was involuntary and that the State failed to disclose material evidence.¹²² According to the trial court, Mr. Anderson failed to show his confession had been involuntary and failed to provide the requisite testimonial, documentary, or physical evidence to prove that there was a causal connection between the abuses alleged by other defendants against the detectives and his own alleged abuse.¹²³ Mr. Anderson then appealed this dismissal to the Illinois Appellate Court.¹²⁴

G. The Appeal of the Post-Conviction Petition from Judgment

The Notice of Appeal was filed April 21, 2005.¹²⁵ The court found that Mr. Anderson's allegations of coercion were frivolous and patently without merit.¹²⁶ First, the court ruled, the attached newspaper articles amounted to nothing but hearsay which the court held that it may not consider.¹²⁷ The newly presented evidence was not of such conclusive character that it would change the result of the trial.¹²⁸ Finally, the appellate court was persuaded by the court's factual findings during trial:

The record in the instant case does not support defendant's allegation that he was coerced or that his confession was otherwise involuntary due to misconduct by police. At the suppression hearing, the trial court specifically stated that it found the testimony of detectives O'Brien and Halloran that they did not beat or threaten defendant to be credible, while it found defendant's testimony to be unbelievable. The court physically examined the shirt submitted into evidence on which defendant stated he wiped his bloody and swollen lip and found nothing that could be construed as such to support his allegation. It also noted that the photograph taken of defendant immediately following his confession did not reveal any injuries, cuts or bruises. The court considered the testimony of ASA Forester that she did not see any injuries and defendant never reported any to her, but rather, had specifically told her that police had treated him fine throughout his custody, as well as the stipulated testimonies of officer Artis and paramedic Ybarra, who both found no

¹²¹ Appeal Order, Dec. 8, 2006, provided as Exhibit 10.

¹²² *Id.* at 4.

¹²³ *Id.* at 4–5.

¹²⁴ *See id.*

¹²⁵ *See* Exhibit 5, Timeline.

¹²⁶ Exhibit 10 at 6.

¹²⁷ *Id.*

¹²⁸ *Id.* at 7–9.

injuries on defendant nor received any such complaints from him when they each visually examined him after his confession.¹²⁹

IV. TIRC INVESTIGATION

TIRC's investigation included a review of the police reports, court pleadings, and testimony produced during the many years this matter has been pending. TIRC also interviewed Mr. Anderson via video-conference. A description of that interview follows.

A. Interview of Antoine Anderson

On, Monday, June 11, 2018, TIRC investigators conducted a video-conference interview of Mr. Anderson at the Thompson Center, 100 W Randolph St., Chicago. Mr. Anderson was represented by counsel. Mr. Anderson's recounting of the abuse mirrored the basics of his original allegations, but included a number of contradictions as well.

Mr. Anderson focused on the fact that he was not believed by Detectives Halloran and O'Brien. Mr. Anderson began by recounting his alibi and professing his innocence with regard to the homicides. He went into great detail regarding the events on the evening of the alleged homicides. Mr. Anderson first denied participation in the crime to the detectives and began to give names of people who would support his alibi. The detectives began to take names down, and then said he was lying.¹³⁰

Mr. Anderson said the police came to his residence and arrested him on November 13, 1998 for the fatal shooting of Leroy Causey and took him to the police station.¹³¹ Once there, he was taken into an interrogation room and handcuffed to a ring on the wall by detectives Halloran and O'Brien. The detectives began questioning Mr. Anderson about his whereabouts that night.¹³² Mr. Anderson responded that he was in his house just prior to being brought in and he did not know why he had been brought in. The detectives stated that Taliba and Angel, two women from Mr. Anderson's neighborhood, had implicated him in the shooting.¹³³ Mr. Anderson began giving the detectives his alibi, and Detective Halloran began writing down the names of the people who could corroborate Mr. Anderson's whereabouts. However, shortly thereafter Halloran crumpled the paper, threw it away, and stated that Mr. Anderson was lying.¹³⁴ The detectives then left the room, came back in, and again asserted that witnesses were implicating Mr. Anderson in the shooting.¹³⁵

¹²⁹ *Id.* at 10–11.

¹³⁰ *Interview*, June 11, 2018 Audio-Recorded Interview of Antoine Anderson, Part I, at time marker 30:07.

¹³¹ *Id.* at time marker 27:22.

¹³² *Id.* at time marker 28:30.

¹³³ *Id.* at time marker 29:00.

¹³⁴ *Id.* at time marker 30:05.

¹³⁵ *Id.* at time marker 30:35.

Mr. Anderson again denied any involvement. The detectives left the room yet again and again came right back in.¹³⁶ It was at this time that the detectives began striking Mr. Anderson.¹³⁷

After being asked again about the order of events, Mr. Anderson stated that Detective O'Brien came back in during the third meeting and pulled a gun from his holster and stated that Iesha Bridewell had given it to him.¹³⁸ TIRC investigators then asked if this took place during the second or the third meeting. Mr. Anderson responded "the third meeting. ... That is when they started torturing me."¹³⁹ Mr. Anderson then stated that the detectives never read him his *Miranda* rights and that they never introduced themselves to him prior to questioning him.¹⁴⁰ When asked how Mr. Anderson knew who the detectives were, he responded that he "learned through the motion to suppress my confession."¹⁴¹ He told his attorney that he could identify them in a courtroom, and when they came to the hearing on the motion to suppress, he told the court that these were the detectives that beat him.¹⁴²

Mr. Anderson stated that after they showed him the gun and he denied involvement, that is when the detectives began beating him up.¹⁴³ Mr. Anderson then stated "after they were done punching me and hitting me that is when they decided to leave out the room."¹⁴⁴ Mr. Anderson said that all he could do was duck down to defend himself from the punches.¹⁴⁵ According to Mr. Anderson, he was being punched on his head and his face, including his cheeks and mouth.¹⁴⁶ He stated that his lip bled as a result of the beating.¹⁴⁷ Mr. Anderson stated that he wiped his blood in his T-shirt.¹⁴⁸ Mr. Anderson described Detective Halloran's actions as being contemporaneous with and similar to those of Detective O'Brien.¹⁴⁹ Mr. Anderson was asked if the detectives hit him anywhere else and initially responded that they did not before adding that they also struck him in the chest after he would rise up to try and shield himself from the punches.¹⁵⁰ Both men were using their closed fists, and were striking Mr. Anderson for "at least five minutes."¹⁵¹ Subsequently, Mr. Anderson stated that the detectives threatened to take his children away after

¹³⁶ *Id.* at time marker 30:56.

¹³⁷ *Id.* at time marker 31:02.

¹³⁸ *Id.* at time marker 32:45.

¹³⁹ *Id.* at time marker 33:10.

¹⁴⁰ *Id.* at time marker 33:40.

¹⁴¹ *Id.* at time marker 33:55.

¹⁴² *Id.* at time marker 34:05.

¹⁴³ *Id.* at time marker 34:57.

¹⁴⁴ *Id.* at time marker 35:15.

¹⁴⁵ *Id.* at time marker 35:10.

¹⁴⁶ *Id.* at time marker 35:45.

¹⁴⁷ *Id.* at time marker 37:03.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at time marker 38:03.

¹⁵⁰ *Id.* at time marker 38:40.

¹⁵¹ *Id.* at time marker 40:30.

they beat him.¹⁵² Mr. Anderson stated that the only reason they stopped beating him was because he agreed to provide a confession.¹⁵³

Mr. Anderson was asked when anybody began talking to him about the shooting of Harry Hudson.¹⁵⁴ He stated that the detectives brought the accusation concerning the Harry Hudson murder subsequent to his beatings and subsequent to the third meeting.¹⁵⁵ He stated that the detectives claimed that Casanova Johnson implicated Mr. Anderson in the shooting of Harry Hudson and that Mr. Anderson denied being involved in the crime in any way.¹⁵⁶ Then, Mr. Anderson stated that "I took the step to confess to that crime as well."¹⁵⁷ When asked why he confessed to this crime, Mr. Anderson stated that he did not want to go through the beatings anymore.¹⁵⁸ Mr. Anderson then stated that the detectives never threatened him or told him that they were going to beat him again but in his head he feared that they would be beaten up again if he did not confess.¹⁵⁹ Mr. Anderson also stated that the detectives never explicitly asked him to confess to the shooting of Harry Hudson.¹⁶⁰

Mr. Anderson stated that, prior to the beating, he was given food from McDonalds and permitted to use the restroom.¹⁶¹ A few hours after the beating, Mr. Anderson went to see ASA Forester.¹⁶² He was permitted a short time alone with her, and she told him that she was working with the police. He told her that he had not been beaten by the police and had not been mistreated.¹⁶³ Mr. Anderson stated that he did not want to confess but he was afraid that if he didn't that the beatings would begin again.¹⁶⁴ ASA Forester then took down Mr. Anderson's confession in writing. Detective O'Brien had re-entered the room when Mr. Anderson actually gave the confession to ASA Forester.¹⁶⁵ ASA Forester also wrote out Mr. Anderson's confession regarding the shooting of Harry Hudson, but did so a few hours after writing out Mr. Anderson's confession to the shooting of Leroy Causey.¹⁶⁶ Mr. Anderson again told her that he had not been mistreated by the detectives.¹⁶⁷

¹⁵² *Id.* at time marker 44:08.

¹⁵³ *Id.* at time marker 44:35.

¹⁵⁴ *Id.* at time marker 51:40.

¹⁵⁵ *Id.* at time marker 52:10.

¹⁵⁶ *Id.* at time marker 53:00.

¹⁵⁷ *Id.* at time marker 53:40.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at time marker 53:55.

¹⁶⁰ *Id.* at time marker 54:23.

¹⁶¹ *Id.* at time marker 46:20.

¹⁶² *Id.* at time marker 45:40.

¹⁶³ *Id.* at time marker 48:40.

¹⁶⁴ *Id.* at time marker 50:20.

¹⁶⁵ *Id.* at time marker 51:10.

¹⁶⁶ *Id.* at time marker 56:35.

¹⁶⁷ *Id.* at time marker 57:30.

After signing the confessions, Mr. Anderson was taken to the Cook County Jail, where he was given a medical examination. He made no report of any injuries and nobody conducting the examination made any note of any injuries or marks on Mr. Anderson. When asked why he did not tell anyone about the beatings, Mr. Anderson stated that he was still afraid of the detectives and he did not know who he could trust.¹⁶⁸ Mr. Anderson stated that the first people he told were his grandmother and his first appointed attorney (who passed away and did not represent Mr. Anderson during the entirety of his proceedings) about a month after he was arrested.¹⁶⁹

Finally, after a break from the TIRC interview, Mr. Anderson was asked again about the timing of his second confession and was given a chance to clear up whether the detectives specifically asked him to confess to the Hudson homicide as well. During this portion of the interview, he clearly stated that he was confronted with the homicide of Harry Hudson subsequent to the alleged beatings and confirmed that he confessed to the shooting of Harry Hudson without being beaten or asked to confess to that crime.¹⁷⁰

B. Circumstances Surrounding Interrogation and Testimony of Clemmie Bridewell

Clemmie Bridewell testified at trial that his witness statement that Mr. Anderson committed the murder of Leroy Causey was coerced and that he told ASA Brendan McGuire that the police officer had forced him to tell the story.¹⁷¹ The “force” to which Mr. Bridewell referred was being yelled at and spat upon by the police. Mr. Bridewell did not allege that he had been physically abused. However, ASA McGuire testified that Mr. Bridewell never told him that there was any coercion or threats made by the detectives.¹⁷² Also, Mr. Bridewell testified that three boys got out of a car on the side off of Cottage Grove Avenue, committed the crime, ran across the street towards New Town, and left the car on Cottage, and that the police arrived in one minute.¹⁷³ However, during the trial, photographs of the crime scene that show Cottage Grove Avenue were introduced as Exhibits 33 to 36, and Detective Halloran testified, based on the photographs, that when he arrived on the scene, “the only vehicles on the scene were the victim’s auto and police vehicles that had responded.”¹⁷⁴ The evidence that there was no other car at the scene contradicts Mr. Bridewell and undercuts his credibility.

¹⁶⁸ *Id.* at time marker 1:05:00.

¹⁶⁹ *Id.* at time marker 1:06:20.

¹⁷⁰ *Interview*, June 11, 2018 Audio-Recorded Interview of Antoine Anderson, Part II, at time marker 1:27.

¹⁷¹ TIRC Compiled ROP at 1390 (transcript of the murder of Leroy Causey, November 28, 2001, at CC-181).

¹⁷² TIRC Compiled ROP at 1435 (transcript of the murder of Leroy Causey, November 29, 2001, at DD-14).

¹⁷³ TIRC Compiled ROP at 1366-1370 (transcript of the murder of Leroy Causey, November 28, 2001, at CC157-161).

¹⁷⁴ TIRC Compiled ROP at 1505-1510 (transcript of the murder of Leroy Causey, November 29, 2001, at DD84-89).

C. Detective Halloran's Complaint Record and Litigation History¹⁷⁵

TIRC investigators reviewed Detective Halloran's complaint file. The list of complaints alleged against him is extensive and includes two dozen allegations similar to those made by Mr. Anderson. The events spanned a 24-year period from 1990 to 2014.

In 1991, a Cook County Jail worker testified that when police removed Plummer from the jail, he observed no injuries on him. When he was returned to the jail by police, the worker observed a lump under Plummer's left eye, swelling on the left side of his forehead and he appeared to have been crying. One of the officers told the worker that they "put another murder on [Plummer]." *People v. Tyler*, 2015 IL App (1st) 123470, ¶168. The detectives involved in Plummer's interrogation were detectives Clancy, Foley, Boudreau, and Halloran. *Id.*

In 1992, Halloran was involved in a confession that was proven to be false after DNA evidence exonerated the accused. In this case, Harold Hill testified in a civil deposition that Halloran did not hit him, but stood by and did nothing as Detective Kenneth Boudreau grabbed Hill on March 20, 1992 and screamed at him in order to secure a confession to the murder and rape of Kathy Morgan. Hill testified Halloran came in and out of the room as Boudreau interrogated him, slapping him and punching him in the ribs. Hill alleged both detectives took him to the scene of the crime where Boudreau again slapped him. Hill finally confessed. *Hill v. City of Chicago, et al.*, (06-C-6772, Northern District of Illinois, Aug. 30, 2011, J. St. Eve) (2011 WL 3840336, at *1) In addition to Hill's confession, detectives also secured confessions from Dan Young and Peter Williams, after which it was determined that Williams had been incarcerated at the time of the Morgan murder, and charges against Williams were dropped. Young and Hill were convicted (despite confessions that implicated Williams) and imprisoned until DNA testing showed someone else's DNA under Morgan's fingernails. Young and Hill's convictions were vacated and the state dropped all charges. *Id.* at *1-2. Subsequent Court Record: The city settled Hill's lawsuit for \$1.25 million, and Hill insisted that Halloran and Boudreau each pay \$7,500 out of their own pockets in contribution to settle.

In 2004, Murder witness Romelle Coleman testified that he was smacked around a little bit by detectives after he lied to them about what he knew about a crime. One of the detectives who interrogated Coleman was John Halloran. A jury convicted Dent despite Coleman's testimony alleging abuse. *See People v. Dent*, 2011 IL App (1st) 091384-U, 2011 WL 9688888.

Detective Halloran's wife has filed a complaint against him, alleging that he slapped her during a domestic dispute. However, this complaint was not sustained because the complainant refused to cooperate and did not want criminal charges to be pressed against her husband. Halloran has denied ever striking his wife.

¹⁷⁵ See Exhibit 11, Summary of Complaints against Det. John Halloran.

D. Detective O'Brien's Complaint Record and Litigation History

TIRC received a copy of the Office of Professional Standards and IPRA's records related to complaints against Detective O'Brien in relation to another TIRC complaint filed by Ivan Smith. The Post-1999 CRMS Employee Complaint Register History and Pre-2000 Mainframe Employee Complaint Register History were included therein. The Pre-2000 Mainframe Complaint Register History contained 25 complaints against O'Brien. Of the 25 complaints, two were sustained, 14 were not sustained, four exonerated O'Brien, and four were deemed unfounded. One complaint's final finding was not available. The Employee Complaint History from CRMS listed eight complaints. Four were not sustained, two were unfounded, and for two of them the outcomes were not available.¹⁷⁶

One of the complaints deemed "sustained" related to Detective O'Brien taking a statement from a juvenile without an adult present. It was recommended he receive a ten day suspension. A complaint deemed "not sustained" filed by Robert Wilson resulted in a lawsuit against O'Brien. Mr. Wilson had been arrested for an alleged attack of a woman at a bus stop. A trial judge refused to admit evidence at trial relating to similar attacks on several other women that occurred after Wilson was taken into custody. A federal judge ordered a retrial, admitting into evidence all the subsequent attacks, and the victim recanted her statements identifying Mr. Wilson. Mr. Wilson was released from prison and received a \$3.6 million settlement against O'Brien in 2012 after filing a Section 1983 case against him and several other Chicago police officers, alleging that they had (a) physically abused him, (b) denied him adequate sleep and food, (c) denied him necessary blood pressure medication, (d) intimidated him, (e) promised him leniency if he confessed, and (f) threatened him with violence if he did not, all to elicit a confession to a crime that Mr. Wilson did not commit. Several investigations of O'Brien deemed "not sustained" later resulted in dismissals of the civil cases pertaining to such torture allegations.¹⁷⁷

V. STANDARD OF PROOF

Section 40(d) of the Illinois Torture Inquiry and Relief Act permits the Commission to conduct inquiries into claims of torture.¹⁷⁸

'Claim of torture' means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person convicted and the tortured confession was used to obtain the conviction and for which there is *some credible evidence* related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge.¹⁷⁹

¹⁷⁶ Illinois Torture Inquiry and Relief Commission, Pre-2000 Mainframe Complaint Register History, 01-Jan-1967 to 31-Dec-1999, requested Jan. 7, 2015.

¹⁷⁷ See Exhibit 12, summary of complaints against Det. James O'Brien.

¹⁷⁸ See 775 ILCS 40/40(d).

¹⁷⁹ 775 ILCS 40/5 (emphasis added).

If five or more commissioners conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review, the case will be referred to the Chief Judge of the Circuit Court of Cook County.¹⁸⁰ If fewer than five Commissioners come to the same conclusion, the Commission will conclude there is insufficient evidence of torture to merit judicial review.¹⁸¹

The commission was not asked by the General Assembly to conduct a full, adversarial, evidentiary hearing concerning the likelihood of torture, or even to make a final finding of fact that torture likely occurred, as that is the role of the courts. Rather, the Commission has interpreted Section 45(c) as not requiring that it be more likely than not that any particular fact occurred, but rather that there is sufficient evidence of torture to merit judicial review.¹⁸²

VI. ANALYSIS OF THE EVIDENCE

As discussed above, factors supporting Mr. Anderson's allegation of physical abuse include his assertion that he told his first defense attorney (who passed away and was replaced with new counsel) and his grandmother that police had beaten him shortly after the beating allegedly occurred. Also, nine months after confessing, Mr. Anderson filed a motion to suppress his inculpatory statements on account of police threats that they would not let his girlfriend go home, and that they would take Mr. Anderson's children away from him and his girlfriend, unless he confessed. He also asserted in the motion that "detectives struck Mr. Anderson by punching him in the chest, stomach, head and face a number of times." Though his testimony in three different proceedings has been garbled and inconsistent in many ways, Mr. Anderson has more or less consistently asserted that Detective O'Brien punched him in the head three times and once in the mouth, and that Detective Halloran punched him in the chest three times. Also, Clemmie Bridewell alleged that he was mistreated by detectives involved with this case. Finally, a number of complaints alleging abuse have been filed against the detectives accused of beating Mr. Anderson, and it is well-documented that the conduct alleged by Mr. Anderson was commonplace at the time detectives interrogated him.

Factors weighing against Mr. Anderson's claim include not only the absence of physical evidence of abuse, but physical evidence (e.g., his shirt) disproving his story of being beaten to the point of bleeding onto his shirt. Mr. Anderson testified that he wiped blood from his lip onto his white shirt, but an examination of the shirt by the court and parties revealed no blood. Mr. Anderson was interviewed by ASA Forester after the alleged beatings, and she later testified that she did not see any evidence of physical abuse. She asked Mr. Anderson whether or not he had

¹⁸⁰ See 775 ILCS 40/45(c).

¹⁸¹ *Id.*

¹⁸² See 2 Ill. Adm. Code 3500.385(b)(1). In general, the approach taken by the Commission is similar to "probable cause." There must be enough evidence that the claim should get a hearing in court. See FAQ No. 8, <https://www.illinois.gov/tirc/Pages/FAQs.aspx/>.

been mistreated by the police and he indicated that he had been treated well. Following his interrogation, Mr. Anderson did not inform any of the jail or medical intake staff of the beating and, in fact, denied experiencing any injuries or pain.

Additional factors weighing against Mr. Anderson's claim include false, inconsistent, and illogical statements he has made throughout this case. First, he lied during the Hudson trial about his gang affiliation (which was the sole motivation for both murders), and he acknowledged this lie during his testimony in the Causey trial. Second, he told TIRC investigators that he was beaten during an interrogation concerning only the Causey homicide. He specifically stated and emphasized that the detectives did not question him regarding the Hudson homicide until after he had confessed to the Causey homicide. However, Mr. Anderson testified at the suppression hearing that he was accused of both murders during the first interview and was beaten into confessing both murders. Third, Mr. Anderson has offered various inconsistent versions of the interrogations during which he allegedly was beaten. He told TIRC investigators that he was beaten during the third meeting. He reiterated this point multiple times. However, during his suppression hearing testimony he asserted that it was the first interrogation and later stated that it was during the second interrogation that he was beaten. Fourth, the story of the alleged beating simply makes no sense. It is not reasonable to believe that two grown men (O'Brien is 6 feet five inches tall) beat Mr. Anderson in the head, mouth, and chest with closed fists and left no visible marks whatsoever. At times Mr. Anderson testified that he was in pain as a result of the beatings but at other times he testified that his injuries were minor. In any event, he had the opportunity to tell three different people—ASA Forester, Officer Artis, and paramedic Ybarra—about his pain and injuries, and he did not do so. All three of these people took photographs of him and none of the photographs show signs of abuse, which Mr. Anderson himself conceded several times under oath. The entire purpose of his meetings with Ardis and Ybarra was to ascertain and document any pain or injuries, and he said nothing about it, and no pain or injuries were documented. Finally, it bears noting that following the suppression hearing Judge Schultz made specific credibility findings in favor of the detectives and against Mr. Anderson.

Additionally, witnesses Casanova Johnson and Iesha Bridewell (Mr. Anderson's girlfriend with whom he had two children) corroborated the details of his confession, including his commission of the murders and Mr. Anderson's motive for committing them.

Additionally, certain other aspects of Mr. Anderson's story are illogical. At trial, Mr. Anderson testified that Detective O'Brien drew a weapon from his holster and claimed it was the murder weapon. It does not make sense that a police officer would carry a suspected murder weapon—evidence in a criminal case—in his own holster and use it as a prop for dramatic effect when he simply could have used his own official sidearm to threaten Mr. Anderson. He also stated in the TIRC interview that it was after the beatings that the detectives threatened to take his children away, but it does not seem logical that the detectives would employ such a measure after he already agreed to confess after allegedly being beaten. Mr. Anderson also testified that he was fed and

allowed go to the bathroom before making any incriminating statements.¹⁸³ Given other claimants' credible claims of being denied bathroom and food prior to a confession, it is illogical that the detectives in this case would accommodate his creature comforts before he confessed if they were trying to coerce a statement out of him.

During the suppression hearing the parties stipulated that Mr. Anderson was read his *Miranda* rights by the detectives and by ASA Forester, and that he waived them. Yet, he testified at the suppression hearing, and also told TIRC investigators, that he was never read his *Miranda* rights by anyone. Then at the trial for the Hudson murder, Mr. Anderson testified that ASA Forester advised him of his *Miranda* rights.¹⁸⁴

When TIRC investigators asked Mr. Anderson about his confession to the Hudson murder, he stated that he originally denied the Hudson accusation but he never stated that he was tortured or coerced into admitting that he shot Hudson. It is unclear how long he denied involvement with this crime or when he decided to confess to it. TIRC investigators made a point of raising this issue again but Mr. Anderson was not able to provide clarification. Thus, according to Mr. Anderson during the TIRC interview, he was accused of the Causey homicide, he denied involvement, was beaten by the detectives and agreed to confess to the Causey homicide, and then was accused of the Hudson homicide, denied it, then confessed to it without being beaten. It is not clear why he would confess to the Hudson homicide under these facts.

VII.CONCLUSION

The Commission finds that there is insufficient credible evidence that torture actually occurred to refer this matter to the Circuit Court. The Commission dismisses the claim and instructs its Executive Director to notify Mr. Anderson of the dismissal and of his right to judicial review under the Illinois Administrative Review Law, as set forth in 775 ILCS 40/55.¹⁸⁵

DATE:

Kathleen Mary Pantle, Chair

FILED
FEB 25 2019
DOROTHY BROWN
CLERK OF CIRCUIT COURT

¹⁸³ Interview, June 11, 2018 Audio-Recorded Interview of Antoine Anderson, Part I, at time marker 46:20.

¹⁸⁴ TIRC Compiled ROP, Oct. 30, 2000. at p. F39.

¹⁸⁵ See 775 ILCS 40/55(a). Although this determination does not concern a "contested case" as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required under the TIRC Act (See 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.

allowed go to the bathroom before making any incriminating statements.¹⁸³ Given other claimants' credible claims of being denied bathroom and food prior to a confession, it is illogical that the detectives in this case would accommodate his creature comforts before he confessed if they were trying to coerce a statement out of him.

During the suppression hearing the parties stipulated that Mr. Anderson was read his *Miranda* rights by the detectives and by ASA Forester, and that he waived them. Yet, he testified at the suppression hearing, and also told TIRC investigators, that he was never read his *Miranda* rights by anyone. Then at the trial for the Hudson murder, Mr. Anderson testified that ASA Forester advised him of his *Miranda* rights.¹⁸⁴

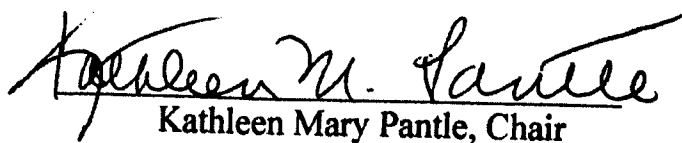
When TIRC investigators asked Mr. Anderson about his confession to the Hudson murder, he stated that he originally denied the Hudson accusation but he never stated that he was tortured or coerced into admitting that he shot Hudson. It is unclear how long he denied involvement with this crime or when he decided to confess to it. TIRC investigators made a point of raising this issue again but Mr. Anderson was not able to provide clarification. Thus, according to Mr. Anderson during the TIRC interview, he was accused of the Causey homicide, he denied involvement, was beaten by the detectives and agreed to confess to the Causey homicide, and then was accused of the Hudson homicide, denied it, then confessed to it without being beaten. It is not clear why he would confess to the Hudson homicide under these facts.

VII. CONCLUSION

The Commission finds that there is insufficient credible evidence that torture actually occurred to refer this matter to the Circuit Court. The Commission dismisses the claim and instructs its Executive Director to notify Mr. Anderson of the dismissal and of his right to judicial review under the Illinois Administrative Review Law, as set forth in 775 ILCS 40/55.¹⁸⁵

DATE:

2/22/2019


Kathleen Mary Pantle, Chair

¹⁸³ Interview, June 11, 2018 Audio-Recorded Interview of Antoine Anderson, Part I, at time marker 46:20.

¹⁸⁴ TIRC Compiled ROP, Oct. 30, 2000. at p. F39.

¹⁸⁵ See 775 ILCS 40/55(a). Although this determination does not concern a "contested case" as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required under the TIRC Act (See 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.

